UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,844	03/12/2001	Tadashi Ohta	108652	7819

25944 7590 03/25/2005		

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EXAMINER
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ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/802,844	OHTA, TADASHI
	Examiner	Art Unit
	Richard Woo	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-37* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>03-12-01</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1)   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 6, the recitation of "**this**" renders the claim indefinite because it is not clear to what "**this**" refers within the claim.

In Claim 1, line 9, the recitation of "**this time**" renders the claim indefinite because it is a subjective word and is not based on the comparative basis.

Claims 14, 20, and 28 contain the identical indefiniteness as recited above.

In Claim 36, line 1; and Claim 37, line 1, respectively, the recitation of "the service department" lacks antecedent basis.

Claim Rejections - 35 USC § 102

2)   Claim 1-37, as far as they are definite, are rejected under 35 U.S.C. 102(e) as being anticipated by Freedlund et al. (US 6,154,295).

As for Claim 1, Freedlund et al. discloses a print service comprising:

a recorder (26, computer) that records reception date of an order from the user and data identifying the user (col. 3, lines 28-39);

a checker that checks whether or not a previous order from the same user is in the record of the recorder within a predetermined period prior to the order of this (col. 3, lines 41-57); and

a charge determiner that deducts a predetermined amount from the print charge on the order of this time regardless of that on the previous order if the checker finds the previous order in the record (see col. 3, lines 41-57).

As for Claim 2, Freedlund et al. further discloses the print service, wherein the predetermined period is less than one month (see col. 3, lines 50-51).

As for Claim 3, Freedlund et al. further discloses the print service, wherein the checker includes a comparator that compares the user of the order of this time with the data identifying the user in the record (see the database and computer in Fig. 1 to process the data to identify the user).

As for Claim 4, Freedlund et al. further discloses the print service, wherein the checker includes a comparator that finds out a relationship between the data of the order and the reception data in the record in view of the predetermined period (see Fig. 1 and col. 3, lines 41-57; col. 6, lines 21-35).

As for Claim 5, Freedlund et al. further discloses the print service, wherein the comparator includes an adder that adds the predetermined period to the reception date in the record to compare it with the date of the order of this time (see col. 4, lines 39-55).

As for Claim 6, Freedlund et al. further discloses the print service, wherein the comparator includes a subtractor that subtracts the predetermined period from the date of the order of this time to compare it with the reception date in the record (see Id.).

As for Claim 7, Freedlund et al. further discloses the print service, wherein the comparator includes a finder that finds a period between the date of the order of this time and the reception date in the record to compare it with the predetermined period (see Supra columns 3, 4).

As for Claim 8, Freedlund et al. further discloses the print service, wherein the checker checks up if the user used the same print service within the predetermined period (see Id.).

As for Claim 9, Freedlund et al. further discloses the print service further comprising a reception that receives the order, wherein the checker checks up if the order is through the same reception within the predetermined period (see Supra columns 3, 4).

As for Claim 10, Freedlund et al. further discloses the print service, wherein the contents to be recorded by the recorder are attached to the digital image data (col. 4, lines 24-38).

As for Claim 11, Freedlund et al. further discloses the print service, wherein the contents to be recorded by the recorder are embedded in the digital image data (see Id.).

As for Claim 12, Freedlund et al. further discloses the print service, wherein a plurality of predetermined periods are prepared in the checker (see Supra column 4).

As for Claim 13, Freedlund et al. further disclose the print service, wherein the charge determiner deducts one of a plurality of predetermined amount from the print charges to cope with one of the predetermined periods (see Supra columns 3, 4).

As for Claim 14, Freedlund et al. discloses a print service comprising:

a recorder that records reception date of an order from the user and data identifying the user (see Fig. 1 and col. 3, lines 15-40);

a checker that checks whether or not a previous order from the same user is in the record of the recorder within one month prior to the order of this time (see col. 3, lines 41-57; col. 4, lines 25-55); and

a charge determiner that deducts an amount from the print charge on the order of this time if the checker finds the previous order in the record (see Supra column 3).

As for Claim 15, Freedlund et al. further discloses the print service including a reception that receives the order, wherein the checker checks up if the user used the same print service within the predetermined period (see Fig. 1 and col. 3, lines 41-57; col. 6, lines 21-35).

As for Claim 16, Freedlund et al. further disclose the print service, wherein the checker checks up if the order is through the same service front within the predetermined period (see Supra column 3).

As for Claim 17, Freedlund et al. further disclose the print service including a laboratory system that produces the print in response to the order received through the service front (see Figs. 1, 4).

As for Claim 18, Freedlund et al. further disclose the print service, wherein the contents to be recorded by the recorder are attached to the digital image data (col. 4, lines 24-38).

As for Claim 19, Freedlund et al. further disclose the print service, wherein the contents to be recorded by the recorder are embedded in the digital image data (see Id.).

As for Claim 20, Freedlund et al. discloses a laboratory system comprising:

a recorder that records data identifying the user (see Supra Figs. and column 3);

a checker that checks whether or not the user used the same laboratory system before according to the record (see Id.);

a determiner that determines the print charge on the order of time in response to the checker (see Supra columns 3, 4); and

a reporter that reports the outcome of the determiner to a service front that contacts the user (62 in Fig. 1).

As for Claim 21, Freedlund et al. further discloses the laboratory system, wherein the determiner deducts a predetermined amount from the print charge on the order of this time regardless of that on the previous order by the same user if it is confirmed by the checker that the user used the same laboratory system before (see col. 3, lines 40-57).

As for Claim 22, Freedlund et al. further discloses the laboratory system, wherein the service front is apart from the laboratory (see Figs. 1, 4).

As for Claim 23, Freedlund et al. further discloses the laboratory system, wherein the checker checks up if the data identifying the user same as that of the order time has been recorded before (see Supra columns 3, 4).

As for Claim 24, Freedlund et al. further discloses the laboratory system including a second recorder that records the service front receiving the order, wherein the reporter reports the service front recorded in the second recorder (see Figs. 1, 4 and Supra columns 3, 4).

As for Claim 25, Freedlund et al. further discloses the laboratory system including a second recorder that records the service front in charge of the delivery of the prints to the user, wherein the reporter reports the service front recorded in the second recorder (see Id.).

As for Claim 26, Freedlund et al. further discloses the laboratory system, wherein the contents to be recorded by the recorder are attached to the digital image data (see Supra column 4).

As for Claim 27, Freedlund et al. further discloses the laboratory system, wherein the contents to be recorded by the recorder are embedded in the digital image data (see Id.).

As for Claim 28, Freedlund et al. discloses a service front comprising:

a first recorder that records data identifying the user (see Figs. 1, 4);

a second recorder that records a laboratory system, the service front requesting

the recorded laboratory system to produce the print (see Supra Figs and column 3);

a checker that checks whether or not the user used the same service front before

according to the record of the first recorder (see Supra column 3); and

a determiner that determines the print charge on the order of this time in

response to the checker regardless of the record of the second recorder (see Id).

As for Claim 29, Freedlund et al. further discloses the service front including a requester

that requests the print to the laboratory system based on the second recorder (see Fig.

4 and Supra columns 3, 4).

As for Claim 30, Freedlund et al. further discloses the service front including a receiver

that receives a report of a charge determined by the laboratory, and a charging system

that charges the user the total amount of the reported charge and the charge

determined by the determiner (see "62" in Figs. 1 and 4 and the descriptions thereof).

As for Claim 31, Freedlund et al. further discloses the service front, wherein the service

front acts as a reception site that receives an order for printing images from the user

(see Supra Figs.).

As for Claim 32, Freedlund et al. further discloses the service front, wherein the service

front acts as a delivery site that delivers the print output to the user (see Figs. 1, 4 for

the delivery).

As for Claim 33, Freedlund et al. further disclose the service front, wherein the

determiner determines lower charge if it is confirmed by the checker that an order from

the same user was received within a predetermined period prior to the order of this time (see Supra columns 3, 4).

As for Claim 34, Freedlund et al. further discloses the service front, wherein the predetermined period is less than one month (see Supra column 3).

As for Claim 35, Freedlund et al. further discloses the service front, wherein the checker checks up if the data identifying the user same as that of the order time has been recorded before (see Supra column 3).

As for Claim 36, Freedlund et al. further discloses the service front, wherein the contents to be recorded by the first and second recorders are attached to the digital image data (see Supra column 4).

As for Claim 37, Freedlund et al. further discloses the service front, wherein the contents to be recorded by the first and second recorders are embedded in the digital image data (see Id.).

Conclusion

3)   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,907,301 is cited to show a method and system for accepting an order for photo processing, which makes it possible for a customer to easily order extra prints.

US 6,657,702 is cited to show a method for facilitating photo print re-ordering by encoding a photo print with an identifier identifying a recipient of the photo prints and one or more printing parameters.

US 2001/0041985 is cited to show a method and system for ordering photo print

ordering by generating print ordering information including electronic data in a

predetermined standard to be processed by a predetermined photo finishing system.

JP 200-309147 is cited to show a charging system for photo image printer,

including a calculator that computes each user's printing fee, based on extracted usage
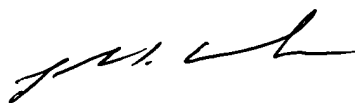
parameter information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 18, 2005

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